

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

RICKY UPCHURCH, as executor of the
estate of JUANITA UPCHURCH, and for
the use and benefit of the next of kin of
CLAYTON UPCHURCH

Plaintiff,

vs.

NATIONAL RIFLE ASSOCIATION
(NRA) and LIFE INSURANCE
COMPANY OF NORTH AMERICA
(LINA),

Defendants.

2:19-CV-00149-PLR

ORDER

Plaintiff filed a Second Motion to Amend/Revise Complaint. [Doc. 20]. Defendants filed a response opposing amendment and requesting sanctions. [Doc. 27]. A telephone conference was held to address the motion on January 8, 2020 at 8:30 a.m. Participating in the conference were Wayne Culbertson, Esq. and Joseph McMurray, Esq. on behalf of Plaintiff and Marcie K. Bradley on behalf of Defendants. This matter is before the Court pursuant to 28 U.S.C. § 636 and the standing orders of the District Court, and the matter is now ripe for resolution.

Plaintiff's motion seeks to amend the complaint by adding LINA as a named defendant. [Doc. 22, p. 1]; however, Plaintiff's motion was filed without a signature and did not have a proposed amended complaint attached as required by the Electronic Case Filing Rules and

Procedures. A notice of deficiency was issued by the Clerk. [Doc. 24]. Additionally, in their response, Defendants argue that Plaintiff's motion should be denied because this is the second attempt to add a non-legal entity as a defendant in this suit. [Doc. 27, p. 2]. Defendants stated that "LINA is merely an abbreviation for Life Insurance Company of North America...[and] is not a legal entity." [Doc. 27, p. 2].

During the telephone conference, Plaintiff's counsel acknowledged that after further reflection the proper party, Life Insurance Company of North America, is currently before the Court and Defendant agreed; therefore, Plaintiff's motion [Doc. 20] is **DENIED** as the amendment would be futile. At the same time, the Court does find some valid basis for confusion by Plaintiff's counsel and declines for that reason to order the sanctions requested by Defendant.

For purposes of clarity of the record in this cause, any reference to "LINA" in future proceedings or pleadings will be interpreted as a reference to named Defendant, Life Insurance Company of North America. Additionally, counsel for the parties are instructed to ensure that all pleadings filed to-date are filed in accordance with the Electronic Case Filing Rules and Procedures and to promptly address any outstanding deficiencies, even as to those pleadings upon which the Court has already issued a ruling.

SO ORDERED:

/s Cynthia Richardson Wyrick
United States Magistrate Judge